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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,756	08/21/2003	Kenji Tagawa	2003_1162	7272
513 7590 03/09/2005 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER GRIER, LAURA A	
			ART UNIT 2644	PAPER NUMBER

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/644,756		TAGAWA ET AL.	
	Examiner		Art Unit	
	Laura A Grier		2644	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2644

DETAILED ACTION

1. The amended changes of the specification are accepted.
2. The indicated allowability of claims 16 and 18 is withdrawn in view of the newly discovered reference(s) to Gotou, U. S. Patent No. 6020828. Rejections based on the newly cited reference(s) follow.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claims 16 and 18** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6636773 in view of Suzuki et al, and further in view of Gotou.

Regarding **claim 16**, patent-773 discloses in claim 3 a 1st recording device, which reads on a 1st recording device, a 2nd recording device, which reads on a 2nd recording device, text information, which reads on text information, type information including type(a) – 1 byte,

Art Unit: 2644

type(b) – 2 byte , and type(c) – 1 byte and 2 byte character code sequences, which reads on type information, and reads on the type information being a first terminated code and second terminated code stored accordingly in storage area as claimed, a read-out device, which reads on a read-out device, a control device, which reads on a control device, and reproducing device, which reads on a reproducing device. However, patent-773 fails to disclose the 1 byte character code sequence including pairs of a 1-byte tag, and a plurality of 1 byte character codes, the 1 byte tag indicating a name of an item, and a plurality of 1-byte character codes indicating a content of the item; and the 2 byte character code sequence including pairs of a 2-byte tag, and a plurality of 2 byte character codes, the 2 byte tag indicating a name of an item, and a plurality of 2-byte character codes indicating a content of the item.

Regarding the information of the 1 byte character code sequence and 2 byte character code sequence, Suzuki et al. (herein Suzuki) discloses a method for reading a cd having cd-text data. Suzuki's disclose teaches the a text group comprising English text language followed by Japanese text language, wherein the block comprising the English text represents 1 byte character code, and the block comprising the Japanese text language represents 2 byte character code, figure 12 indicates type of information provided by the English block, which indicates information of the 1 byte character code sequence as claimed, and the same information would be provided in the Japanese block using double byte character code sequence (col. 6, lines 21-38, col. 7, lines 11-29, and lines 44- col. 8, lines –59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of patent-773 by implementing the information of the 1 byte

Art Unit: 2644

character code sequence and 2 byte character code sequence for the purpose of conveniently providing the information to the user of the audio device.

However, patent-773 and Suzuki fail to disclose an identification mark information storing device.

Regarding the identification mark information storing device, Gotou discloses a memory for storing a plurality of icons associated with different information which is displayed, wherein the memory and display are coupled to a control processor (col. 2, lines 66-67 – col. 3, lines 1-21, and col. 4, lines 63-67 – col. 5, lines 10 and figure 1), which reads on an identification mark information storing device, therein.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Patent-773 and Suzuki by implementing an identification mark information storing device for the purpose enhancing the display information with a more reliable form of communication about the information being displayed as taught by Gotou.

Regarding **claim 18**, patent-773 discloses in claim 4, text information, which reads on text information, type information including type(a) – 1 byte, type(b) – 2 byte, and type(c) – 1 byte and 2 byte character code sequences, which reads on type information, and reads on the type information being a first terminated code and second terminated code stored accordingly in storage area as claimed, a read-out device, which reads on a read-out device, a control device, which reads on a control device, and reproducing device, which reads on a reproducing device. However, patent-773 fails to disclose the 1 byte character code sequence including pairs of a 1-byte tag, and a plurality of 1 byte character codes, the 1 byte tag indicating a name of an item, and a plurality of 1-byte character codes indicating a content of the item; and the 2 byte character

Art Unit: 2644

code sequence including pairs of a 2-byte tag, and a plurality of 2 byte character codes, the 2 byte tag indicating a name of an item, and a plurality of 2-byte character codes indicating a content of the item.

Regarding the information of the 1 byte character code sequence and 2 byte character code sequence, Suzuki et al. (herein Suzuk) discloses a method for reading a cd having cd-text data. Suzuki's disclose teaches the a text group comprising English text language followed by Japanese text language, wherein the block comprising the English text represents 1 byte character code, and the block comprising the Japanese text language represents 2 byte character code, figure 12 indicates type of information provided by the English block, which indicates information of the 1 byte character code sequence as claimed, and the same information would be provided in the Japanese block using double byte character code sequence (col. 6, lines 21-38, col. 7, lines 11-29, and lines 44- col. 8, lines 44-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of patent-773 by implementing the information of the 1 byte character code sequence and 2 byte character code sequence for the purpose of conveniently providing the information to the user of the audio device.

However, patent-773 and Suzuki fail to disclose an identification mark information storing device.

Regarding the identification mark information storing device, Gotou discloses a memory for storing a plurality of icons associated with different information which is displayed, wherein the memory and display are coupled to a control processor (col. 2, lines 66-67 – col. 3, lines 1-

Art Unit: 2644

21, and col. 4, lines 63-67 – col. 5,,lines 10 and figure 1), which reads on an identification mark information storing device, therein.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Patent-773 and Suzuki by implementing an identification mark information storing device for the purpose enhancing the display information with a more reliable form of communication about the information being displayed as taught by Gotou.

Response to Arguments

Applicant's remarks filed 10/8/04 have been fully considered. However due to further consideration, a new reference has been applied to support teachings of an identification mark information storing device to modify the teachings of the Patent-773 and Suzuki. The new applied reference discloses memory for storing icons associated with information to be display.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura A. Grier

March 8, 2005